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| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i>  |   | Application Number  | 09/978,191       |
|   |   | Filing Date   | October 15, 2001 |
|   |   | First Named Inventor  | Audrey Goddard   |
|   |   | Group/Art Unit  | 1646             |
|   |   | Examiner Name   | Eileen B. O'Hara |
| Total Number of Pages in This Submission  | 5   | Attorney Docket Number  | 39780-2630 P1C4  |
| <b>ENCLOSURES (check all that apply)</b>  |   |   |                  |
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> <b>RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT UNDER 37 CFR §1.121</b><br><input type="checkbox"/> After Final<br><input type="checkbox"/> Version With Markings Showing Changes<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53<br><input type="checkbox"/> Copy of Notice | <input type="checkbox"/> Copy of an Assignment<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Small Entity Statement<br><input type="checkbox"/> Request for Refund | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> <b>ADDITIONAL ENCLOSURE(S) (PLEASE IDENTIFY BELOW):</b><br><input checked="" type="checkbox"/> <b>RETURN POSTCARD</b> |                  |
| <b>Remarks</b><br><br><b>AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39780-2630P1C4.</b>  |   |   |                  |
| <b>SIGNATURE OF APPLICANT, ATTORNEY OR AGENT</b>  |   |   |                  |
| Firm or Individual name   | HELLER EHRMAN LLP<br>275 Middlefield Road, Menlo Park, California 94025<br>Telephone: (650) 324-7000 Facsimile: (650) 324-0638  |   |                  |
| Signature   | <i>Barrie D. Greene</i>   |   |                  |
| Date  | JULY 1, 2005  | Customer Number:  | 35489            |

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                                   |   |  |
|-----------------------------------|---|--|
| In re application of:             | ) | Examiner: O'Hara, Eileen B.            |
|                                   | ) |  |
| Audrey GODDARD, et al.            | ) | Art Unit: 1646                         |
|                                   | ) |  |
| Application Serial No. 09/978,191 | ) | Confirmation No.: 4728                 |
|                                   | ) |  |
| Filed: October 15, 2001           | ) | Attorney's Docket No.: 39780-2630 P1C4 |
|                                   | ) |  |
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**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

**MAIL STOP AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

The present Response in the above-identified patent application is filed in response to a Notice of Non-Compliant Amendment dated June 2, 2005, in which the Examiner stated that the claims in our May 23, 2005 Preliminary Amendment were not presented in ascending numerical order. Applicants have corrected the presentation of the claims to meet the requirements as set forth in 37 C.F.R. §1.121. This response is timely filed within the one month period set for response. Applicants respectfully request entry of the pending claims and consideration of the comments in the Preliminary Amendment filed on May 23, 2005.